

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 4-9 and 17 are now pending in the application, with Claims 1 and 17 being independent. Claims 1, 5, 8 and 9 have been amended and Claim 17 is newly-presented herein.

Claims 1-3, 5-12, 14 and 16 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,946,073 (Miwa '073). Claims 4 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over Miwa '073 in view of U.S. Patent No. 6,602,192 (Miwa '192). Claim 15 was rejected under § 103 as being unpatentable over Miwa '073 in view of U.S. Patent Application Publication No. 2002/0103427 (Miwa et al. '427). These rejections are respectfully traversed.

Miwa '073 is directed to a non-contact type tonometer that can control the blowing of compressed fluid against an examinee's eye. As described at column 5, lines 8-58, Miwa '073 describes setting a value of an increment ΔP , which equals a change in pressure from a first pressure value P_1 to a third pressure value P_2 . P_1 is the pressure at a rising point q_1 when the deformation signal suddenly rises, i.e., at the commencement of the deformation of the cornea caused by the compressed air being blown against the eye. The value of ΔP is set in dependence

upon the obtained (measured) value of P1. The value of P1 varies with the level of intraocular pressure of the eye being examined. For example, if the eye being examined has a high intraocular pressure, P1 will be relatively high, and ΔP will be set to a relatively large value. On the other hand, if the eye has a low intraocular pressure, P1 will be relatively low, and ΔP will be set to a relatively small value. In this way, Miwa '073 can blow air at a pressure appropriate to the intraocular pressure of a given eye. Although the device of Miwa '073 is capable of setting different values for ΔP (and, therefore, different values for P2), when the device is used in a given measuring operation for measuring a given eye it will set only a single value for ΔP (and hence P2).

However, Miwa '073 is not believed to disclose or suggest at least giving a warning when obtained intraocular pressure is lower than a first predetermined intraocular pressure or higher than a second predetermined intraocular pressure, as is recited in independent Claim 1. Nor does Miwa '073 disclose or suggest stopping a measuring operation after completion of a predetermined number of measurements of the eyes under measurement when the obtained intraocular pressure is lower than a first predetermined intraocular pressure or higher than a second predetermined intraocular pressure, as is recited in newly-presented independent Claim 17.

Thus, Miwa '073 fails to disclose or suggest important features of the present invention recited in the independent claims.

Miwa '192 and Miwa et al. '427 have also been reviewed, but are not believed to remedy the deficiencies of Miwa '073 noted above with respect to the independent claims.

Accordingly, independent Claims 1 and 17 are patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.


For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1 and 17. Dependent Claims 2-9 are also allowable, in their own right, for defining features of the present invention in addition to those recited in independent Claim 1. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Application No. 10/645,480

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Williamson", written over a horizontal line.

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